

Nathan D. Fox, PA Bar No. 307744  
BEGLEY, CARLIN & MANDIO, LLP  
680 Middletown Boulevard  
Langhorne, PA 19047  
(215) 750-0110 (P)  
nfox@begleycarlin.com

*Attorney for Defendant Pettrille*

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA (HARRISBURG)

DEB WHITEWOOD, et al.,

Plaintiffs,

vs.

THOMAS W. CORBETT, in his  
official capacity as Governor of  
Pennsylvania, et al.,

Defendants.

Case No. 13-cv-01861-JEJ

(Honorable John E. Jones, III)

**DEFENDANT PETRILLE'S  
MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT FOR  
FAILURE TO STATE A CLAIM  
UNDER FED. R. CIV. P. 12(b)(6),  
AND FAILURE TO JOIN  
PARTIES UNDER FED. R. CIV. P.  
12(b)(7) AND 19.**

Defendant Pettrille, by and through counsel, respectfully moves that the Court Dismiss Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure (FRCP) 12(b)(6), for failure to state a claim upon which relief may be granted, and pursuant to FRCP 12(b)(7), for failure to join parties under Rule 19.

A Brief in Support of this Motion to Dismiss will be timely filed in accord with L.R. 7.5 and the Court's order of September 13, 2013.

Respectfully submitted,

s/ Nathan D. Fox

Nathan D. Fox

BEGLEY, CARLIN & MANDIO, LLP

680 Middletown Boulevard

Langhorne, PA 19047

(215) 750-0110 (P)

nfox@begleycarlin.com

*Attorney for Defendant Petrille*

### CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1, I hereby certify that counsel for the movant has sought concurrence in the motion from each party.

Counsel for Defendant Poknis have concurred in the motion.

Counsel for Defendants Corbett and Wolf have concurred with this motion under FRCP 12(b)(6), and concurrence was sought today for a motion to dismiss under 12(b)(7) but has not yet been confirmed.

Counsel for Plaintiffs have declined to concur in the motion.

Counsel for Defendant Hon. Kathleen Kane takes no position regarding the motion.

### CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2013, I electronically filed the foregoing Defendant Petrille's Motion to Dismiss Plaintiffs' Complaint for Failure to State a Claim Under Fed. R. Civ. P. 12(b)(6) and Failure to Join Parties Under Fed. R. Civ. P. 12(b)(7), with the Clerk of Court using the ECF system, which will effectuate service of this filing on the following ECF-registered counsel by operation of the Court's electronic filing system:

James D. Esseks  
American Civil Liberties Union  
Foundation  
125 Broad Street  
18th Floor  
New York, NY 10004  
212-549-2627  
jesseks@aclu.org

John S. Stapleton  
Hangley, Aronchick, Segal &  
Pudlin  
One Logan Square  
27th Floor  
Philadelphia, PA 19103-6933  
215-496-7048  
215-568-0300 (F)  
jstapleton@hangley.com

Leslie Cooper  
American Civil Liberties Union  
Foundation  
125 Broad Street  
18th Floor  
New York, NY 10004  
212-549-2627  
lcooper@aclu.org

Mark A. Aronchick  
Hangley, Aronchick, Segal &  
Pudlin  
1 Logan Square, 27th Floor  
Philadelphia, PA 19103  
(215) 496-7002  
maronchick@hangley.com

Mary Catherine Roper

Molly M. Tack-Hooper

American Civil Liberties Union of  
Pennsylvania  
P.O. Box 40008  
Philadelphia, PA 19106  
215-592-1513 ext 116  
mproper@aclupa.org

American Civil Liberties Union of  
Pennsylvania  
P.O. Box 40008  
Philadelphia, PA 19106  
215-592-1513  
mtack-hooper@aclupa.org

Rebecca S. Melley  
Hangley, Aronchick, Segal, Pudlin  
& Schiller  
One Logan Square  
27th Floor  
Philadelphia, PA 19103  
215-496-7374  
rsantoro@hangley.com

Seth F. Kreimer  
3400 Chestnut Street  
Philadelphia, PA 19144  
215-898-7447  
skreimer@law.upenn.edu

Witold J. Walczak  
American Civil Liberties Union of  
Pennsylvania  
313 Atwood Street  
Pittsburgh, PA 15213  
(412) 681-7864  
vwalczak@aclupa.org

*Attorneys for Plaintiffs*

M. Abbegael Giunta  
Office of Attorney General  
15th Floor Strawberry Square  
Harrisburg, PA 17120  
717-787-1179  
mgiunta@attorneygeneral.gov

William H. Lamb  
Lamb McErlane PC  
24 E. Market Street  
P.O. Box 565  
West Chester, PA 19381-0565  
610-430-8000  
wlamb@chescolaw.com

*Attorney for Defendant Kathleen  
Kane, Attorney General of  
Pennsylvania*

*Attorney for Defendant Thomas W.  
Corbett, Governor of Pennsylvania,  
and Michael Wolf, Secretary of the  
Pennsylvania Department of*

*Health*

Robert J Grimm  
Swartz Campbell LLC  
4750 U.S. Steel Tower  
600 Grant Street  
Pittsburgh, PA 15219  
412-560-3267  
rgrimm@swartzcampbell.com

Thomas J Jezewski  
Swartz Campbell, LLC  
4750 U.S. Steel Tower  
600 Grant Street  
Pittsburgh, PA 15219  
412-456-5416  
tjezewski@swartzcampbell.com

*Attorneys for Mary Jo Poknis, Register of Wills of Washington County*

and I further certify that I have caused the foregoing document to be served by U.S. First-Class Mail on the following non-ECF participant:

Dylan J. Steinberg  
One Logan Square, 27th Floor  
Philadelphia, PA 19103  
215-568-6200

*Attorney for Plaintiffs*

s/ Nathan D. Fox  
Nathan D. Fox  
BEGLEY, CARLIN & MANDIO, LLP  
680 Middletown Boulevard  
Langhorne, PA 19047  
(215) 750-0110 (P)  
nfox@begleycarlin.com

*Attorney for Defendant Petrille*